



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

HN

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/134,854 08/14/98 MILLER

D 97482

MARK R
KIRKPATRICK & LOCKHART
1500 OLIVER BUILDING
PITTSBURGH PA 15222

QM12/0821

EXAMINER

DEXTER, C

ART UNIT

PAPER NUMBER

3724

15

DATE MAILED:

08/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/134,854

Applicant(s)

Miller et al.

Examiner

Clark F. Dexter

Group Art Unit

3724



☒ Responsive to communication(s) filed on May 25, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8, 13-23, 40, 47-55, 61, and 65-84 is/are pending in the application.

Of the above, claim(s) 74-78 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8, 13-23, 40, 47-55, 61, 65-73, and 79-84 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on May 25, 2000 is ☒ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

DETAILED ACTION

1. The amendment filed May 25, 2000 has been entered. Upon careful reconsideration, new grounds of rejection are required, some of which were not necessitated by applicant's amendment, and the indicated allowability of claims 5-7, 20-23, 52-55 and 70-73 is withdrawn. Accordingly, this Office action is being made **non-final**.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on May 25, 2000 have been **approved**.

Specification

3. The disclosure is objected to because of the following informalities:

On page 17, the second paragraph is confusing as to what constitutes the slide rail 80 and what constitutes the bracket member, and it is suggested in line 15 to change the inserted portion from "the support elements include a slide rail 80" to --the support elements include an elongated bracket 80-- or the like, and in line 19 to change "Slide rail 80" to --Elongated bracket member 80 is--, and to delete "includes".

On page 18, line 11, it is suggested to change "slide rail" to --bracket member-- as described above.

Art Unit: 3724

On page 18, lines 16-17 are confusing and appear to be contrary to the description on page 17, lines 15-16 which describes the adjustment mechanisms as part of the support elements rather than part of the infeed extension. ←

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 1-8, 13-23, 47-55 and 65-73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

In claim 1, line 6, structural cooperation has not been sufficiently set forth for “adjustment mechanism”, and further, it is vague and indefinite as to what disclosed structure it refers (i.e., to which disclosed adjustment does it pertain).

In claim 2, lines 3-4, “at least one infeed platform” is vague and indefinite as to whether it refers to that set forth in claim 1 or to another such infeed platform.

In claim 3, line 2, “adapted to slidably support” is vague and indefinite as to how the support element is “adapted”.

In claim 4, line 2, “elongated bracket member” is vague and indefinite as to what disclosed structure it refers (this rejection would be obviated by the suggested changes or similar changes to ←

Art Unit: 3724

the specification as described above); in line 3, the recitation "shaped to engage at least a portion of the rail" renders the claim vague and indefinite as to how the surface is shaped, particularly since the invention is being defined in terms of the rail which is not part of the claimed invention.

In claim 6, line 2, "a plurality of adjustment mechanisms" is vague and indefinite as to whether it refers to the adjustment mechanism set forth in claim 1 or to other such adjustment mechanisms; in line 4, the phrase "oriented to exert an opposing force on the at least one rail of the saw" is vague and indefinite as to how the threaded member is oriented, particularly since the invention is being defined in terms of the rail which is not part of the claimed invention.

In claim 7, line 2, the phrase "oriented to slidably engage the at least one rail" is vague and indefinite as to how the base portion of the threaded member is oriented, particularly since the invention is being defined in terms of the rail which is not part of the claimed invention.

In claim 15, lines 8-9, structural cooperation has not been sufficiently set forth for "adjustment mechanism", and further, it is vague and indefinite as to what disclosed structure it refers (i.e., to which disclosed adjustment does it pertain).

In claim 16, lines 3-4, "infeed platforms" is vague and indefinite as to whether it refers to that set forth in claim 1 or to another such infeed platform.

In claim 18, line 2, the phrase "shaped to engage and slidably support" is vague and indefinite as to how the support element is shaped, and further is vague and indefinite since structural cooperation is not positively set forth therefor, particularly between the support element and the infeed rail.

Art Unit: 3724

In claim 19, line 1, ✓“said at least one support” lacks positive antecedent basis; in lines 1-2, “elongated bracket member” is vague and indefinite as to what disclosed structure it refers. ←

In claim 20, lines 1-2, ✓“a plurality of adjustment mechanisms” is vague and indefinite as to whether it refers to the adjustment mechanism set forth in claim 1 or to other such adjustment mechanisms; also in lines 1-2, the recitation “wherein said infeed extension comprises a plurality of said adjustment mechanisms” is vague and indefinite as to what is being set forth and it appears to be contrary to the specification which describes adjustment mechanisms that are part of the support element. ←

In claim 22, lines 1-2, ✓“shaped to slidably engage said infeed rail” is vague and indefinite as to how the support element is shaped, and further is vague and indefinite since structural cooperation is not positively set forth therefor, particularly between the threaded member and the infeed rail.

In claim 47, line 7, “infeed extension” lacks structural cooperation, particularly with respect to the elongated body. ←

In claim 50, line 2, ✓“oriented to slidably support” is vague and indefinite as to how the support element is oriented, and further is vague and indefinite since structural cooperation is not positively set forth therefor, particularly between the support element and the infeed rail.

In claim 51, lines 1-2, ✓“said at least one support” lacks positive antecedent basis; in line 2, “elongated bracket member” is vague and indefinite as to what disclosed structure it refers. ←

Art Unit: 3724

In claim 52, line 2, structural cooperation has not been sufficiently set forth for “adjustment mechanism”, and further, it is vague and indefinite as to what disclosed structure it refers (i.e., to which disclosed adjustment does it pertain); additionally, the recitation “wherein each of said infeed platforms further comprises an adjustment mechanism” is vague and indefinite as to what is being set forth, and it appears to be contrary to the specification which describes adjustment mechanisms that are part of the support element. ← *

In claim 54, line 2, “shaped to slidably engage” is vague and indefinite as to how the threaded member is shaped, and further is vague and indefinite since structural cooperation is not positively set forth therefor, particularly between the threaded member and the infeed rail.

In claim 55, line 2, “said infeed platform” is vague and indefinite as to which one.

In claim 65, line 3, structural cooperation is not positively set forth for “an infeed extension”, particularly with respect to the elongated body.

In claim 67, lines 1-2, “each said infeed extension” is vague and indefinite since only one infeed extension has been set forth.

In claim 68, lines 1-2, “shaped to slidably engage” is vague and indefinite as to how the threaded member is shaped, and further is vague and indefinite since structural cooperation is not positively set forth therefor, particularly between the support element and the infeed rail.

In claim 69, line 2, “an elongated bracket member” is vague and indefinite as to what disclosed structure it refers. ← *

Art Unit: 3724

In claim 70, line 2, structural cooperation has not been sufficiently set forth for “adjustment mechanism”, and further, it is vague and indefinite as to what disclosed structure it refers (i.e., to which disclosed adjustment does it pertain); additionally, the recitation “wherein each of said infeed platforms further comprises an adjustment mechanism” is vague and indefinite as to what is being set forth and it appears to be contrary to the specification which describes adjustment mechanisms that are part of the support element. ← ③

In claim 72, lines 1-2, “oriented to slidably engage” is vague and indefinite as to how the threaded member is oriented, and further is vague and indefinite since structural cooperation is not positively set forth therefor, particularly between the threaded member and the infeed rail.

In claim 73, line 2, “said infeed platform” is vague and indefinite as to which one.

In claim 79, lines 1-2, “adapted to adjust an elevation of said infeed extension relative to the work surface” renders the claim vague and indefinite because it is not clear how the adjustment mechanism is “adapted”, and further because the invention is being defined in terms of the work surface which is not part of the claimed invention.

In claim 80, lines 1-2, “adapted to adjust an angle of said infeed extension relative to the work surface” renders the claim vague and indefinite because it is not clear how the adjustment mechanism is “adapted”, and further because the invention is being defined in terms of the work surface which is not part of the claimed invention.

In claim 81, lines 1-2, “adapted to adjust ...” is vague and indefinite as to how the adjustment mechanism is “adapted”.

Art Unit: 3724

In claim 82, lines 1-2, “adapted to adjust ...” is vague and indefinite as to how the adjustment mechanism is “adapted”.

In claim 83, lines 1-2, “adapted to adjust ...” is vague and indefinite as to how the adjustment mechanism is “adapted”.

In claim 84, lines 1-2, “adapted to adjust ...” is vague and indefinite as to how the adjustment mechanism is “adapted”.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 13, 14 and 79-81 are rejected under 35 U.S.C. 102(b) as being anticipated by Delta Model 36-906 (hereafter Delta ‘906).

Delta ‘906 discloses a workpiece guide (e.g., in Figure 47) with every structural limitation of the claimed invention including an infeed extension which is integral to the infeed end of the elongated body (i.e., integral in the same manner as the adjustment mechanism is integral to the infeed platform as set forth, for example, in claim 5).

7. Claim 40 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Truhan.

Art Unit: 3724

Claim Rejections - 35 USC § 102/103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Delta model 36-906 (hereafter Delta '906).

Delta '906 discloses a workpiece guide with every structural limitation of the claimed invention including threaded members (e.g., C, D) having a base portion and a head portion.

In the alternative, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

Claim Rejections - 35 USC § 103

10. Claims 15-23, 61, 65-73 and 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delta model 36-906 (hereafter Delta '906) in view of Hughes et al.

Art Unit: 3724

Delta '906 discloses a saw with a workpiece guide (e.g., in Figure 47), wherein the saw includes almost every structural limitation of the claimed invention but lacks an outfeed rail.

Hughes et al. discloses that it is old and well known to provide two guide rails for various well known benefits including added guide stability. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second guide rail on the device of Delta '906 for the well known benefits including that described above.

Regarding claims 21-23 and 71-73, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

Regarding claim 61, Delta '906 lacks the specific shape or cross section of the guide rails. However, the Examiner takes Official notice that it is old and well known in the art to provide guide rails in many various shapes or cross sections for various well known benefits including ease of manufacture or to gain performance benefits such as added stability. Therefore, it would have been obvious to one having ordinary skill in the art to provide guide rails of any known shape or cross section including those set forth in claim 61 for the well known benefits including those described above.

Art Unit: 3724

11. Claims 47-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delta model 36-906 (hereafter Delta '906) in view of Hughes et al. and Truhan.

Delta '906 discloses a saw with a workpiece guide (e.g., in Figure 47), wherein the saw includes almost every structural limitation of the claimed invention but lacks (a) an outfeed rail, and lacks (b) a debris collection system as claimed.

Regarding (a), Hughes et al. discloses that it is old and well known to provide two guide rails for various well known benefits including added guide stability. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second guide rail on the device of Delta '906 for the well known benefits including that described above.

Regarding (b), Truhan discloses a debris collection system and teaches that it removes particles from the cutting area of a cutting tool for various reasons including minimizing pollution within the work area. Therefore, it would have been obvious to one having ordinary skill in the art to provide a debris collection system on the saw of Delta '906 for the benefits taught by Truhan including that described above.

Regarding claims 53-55, if it is argued that Delta '906 does not disclose a body portion on the threaded member, the Examiner's takes Official notice that such features are old and well known in the art for various known reasons including providing a flat surface of a material that is sufficiently soft so as not to mar the corresponding guide rail. Therefore, it would have been obvious to one having ordinary skill in the art to provide base portions on the threaded members of Delta '906 for the well known reasons including that described above.

Art Unit: 3724

Response to Arguments

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cf
August 17, 2000